

2009 NOV -3 PM 4:29

OCT 29 2009
PATENT & TRADEMARK OFFICE

PTO/SB/65 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

11/06/2009 DALLEN 00000025 6289896
01 FC:1599 1940.00 OP

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,289,896
Issue Date: 9/18/01

Application Number: 09/470,756
Filing Date: 12/23/99

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

11/06/2009 DALLEN 00000025 6289896
01 FC:1599 1940.00 OP

☐ is a reissue of original Patent No. _____
original application number _____
original filing date _____

original issue date _____
Refund Ref: 11/06/2009 DALLEN 0000169355

CHECK Refund Total: \$65.00

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/27/09
Date

Glenora A Hart
Signature

11/06/2009 DALLEN 00000027 6289896
01 FC:1599 700.00 OP

GLENORA A HART
Typed or printed name of person signing Certificate

11/06/2009 DALLEN 00000027 6289896
01 FC:1599 1240.00 OP

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. **SMALL ENTITY**

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. **LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. **MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1305.00</u>	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1305.00

4. **SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(1) of \$ 65.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 65.00

5. **MANNER OF PAYMENT**

- ☒ Enclosed is a check for the sum of \$ 1305.00 + \$ 700.00 PETITION FEE.
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____.
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. **AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

☒ Send refund check

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WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

Date

Typed or printed name(s)

Registration Number, if applicable

Address

Telephone Number

Address

ENCLOSURES:

- ☐ Maintenance Fee Payment
☐ Statement why maintenance fee was not paid timely
☐ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
☐ Other: _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Glenn A. Hart
Signature

10-27-09
Date

GLENN A. HART
Type or printed name

6,289,896
Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

SHEET ATTACHED.
G. Hart.

(Please attach additional sheets if additional space is needed)



UNITED STATES PATENT AND TRADEMARK OFFICE
Attn: Anthony Knight
Supervisor
Office of Petitions

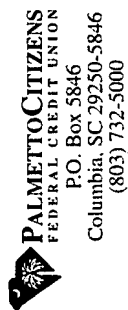
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October 26, 2009

Hello, Mr Knight I would like to thank you for your expertise in this matter concerning Patent number 6,289,896. Mr. Knight as I informed you earlier I did send my maintenance fee payment out to the United States Patent And TradeMark Office before my expiration of September 18, 2009. I have a reference number of my call to Michael in the maintenance fee office on September 16, 2009 which is reference number 1-14981224 please review the call. While my lack of knowledge is no excuse, I followed the instructions given to me by Michael to send my payment to the St. Louis P.o Box, but he failed to give information in regards to the 512 certificate of mailing or transmission. With knowledge of this requirement, I would not have made that mistake. Under these circumstance, I hope you can find reason not to only reinstate patent number 6,289,896 but reimbursement of \$700.00 for the petition fee. Thank you for your time and consideration regarding this matter.

Glenn Hart

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380579

NO.

Glenn D Hart

Received by

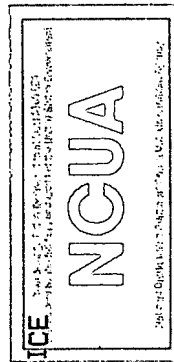
Account Detail
FROM Premium Checking

Account #
82497514

Amount
1305.00

Payee U.S. PATENT AND TRADEMAK OFFICE

GLENNAH D HART
P O BOX 4565
COLUMBIA SC 29240



Ref: PATENT # 6,289,896

CASHIER'S CHECK NON-NEGOTIABLE CHK 380579 15 SEP 09 16:39 Br 4-606 Amt 1305.00

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Drawn Check Details			
Enter Check Number		Bank Account	
380579		Teller Checks	
Check Number		Lookup	
Check Details			
Check Amount	\$1305.00	Status	
Check Type	Cashier's Check	Date Reversed	09/23/2009
Date Issued	09/15/2009	Payee	US PATENT AND TRADEMARK OFFICE
Debit Account	82497814	Description	82497 G D HART
Sequence	500037		
Cancel <Prev Next> Finish			



UNITED STATES PATENT AND TRADEMARK OFFICE

P10-2142 (09-05)

GLENNAH D. HART
P.O. BOX 4565
COLUMBIA, SC 29240



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 24, 2009
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NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

OFFICE OF PETITIONS

REGARDING PATENT NUMBER: 6289896

PAYMENT STATUS:

Payment Amount Received: \$ 1,305.00

Payment will be refunded electronically by EFT.

Payment Year 7.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 09/21/2009
(Mailroom Date Stamp)

← MONDAY

(9/18/09)
FRIDAY

Your payment was not accepted for the following reason(s):

- ☐ 1. The maintenance fee for the above-identified patent was previously paid on _____.
☐ Information regarding the previous payment is stated in item 8 below.
- ☒ 2. The patent expired on 09/18/2009. See "Patent Expiration" section below.
- ☐ 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on _____.
- ☐ 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ _____ is/was required.
- ☐ 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- ☐ 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- ☐ 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- ☐ 8. Other: _____.

Resubmitting Maintenance Fee Payment


The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on _____ and ends on _____. In addition to the maintenance fee of \$ _____, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ _____. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

 Kieu Tran (571) 272-6322
Printed Name of USPTO Representative


Signature of USPTO Representative

NOTICE TO CHECK RECIPIENT

VENDOR NAME: GLENNAH D. HART		VENDOR I.D. NUMBER: GLENNAH D. H	
AGENCY NAME AND BILLING ADDRESS: DEPARTMENT OF COMMERCE US PATENT AND TRADEMARK 2051 JAMIESON AVENUE ALEXANDRIA VA 22314		U.S. TREASURY REG. FINANCIAL CENTER: CHECK NUMBER 2221-90786389	CHECK AMOUNT \$***1305.00 CHECK DATE 10-19-09
# : 6289896 : 571-272-6322 KIEU TRAN MAILROO NAME/NUMBER: 6289896 AMOUNT REFUNDED: 1305.00 NDLRD RF# 168901 10/14/09 REISSUE RF# 169123 10/15/09 MAINTENANCE FEE EXPIRED ON 9/18/09. FOR QUESTIONS RELATING TO REFUND, CONTACT KIEU TRAN - 571-272-6322 09/21/2009 MAILROOM DATE:		AGENCY SCHEDULE NUMBER CC20100009 AGENCY TELEPHONE NUMBER 571-272-6500	

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE

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mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: UNITED STATES PATENT AND TRADE MARK OFFICE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on OCTOBER 27, 2009

(Date)

Typed or printed name of person signing this certificate:

Glenn A Hart

Signature: Glenn A Hart

Registration Number: 6,289,896

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () - on

_____. (Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.



JUL 11 2007

Food and Drug Administration
9200 Corporate Boulevard
Rockville MD 20850Hartline Technology Inc
c/o Mr. Glenn Hart
P.O. Box 4565
Columbia, SC 29240

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OFFICE OF PETITIONS

Re: C070079
Device Name: Reusable carrying case for heart monitors
Dated: not dated
Received: March 2, 2007

Dear Mr. Hart:

We have reviewed the above referenced request for information, submitted in accordance with Section 513(g) of the Federal Food, Drug, and Cosmetic Act (Act) regarding the regulatory requirements applicable to the reusable carrying case for heart monitors. We apologize for any inconvenience caused by the delay in our response.

Based on the information provided in your submission, we believe that your device is a general purpose article. General purpose articles are devices that are subject to Title 21 of the Code of Federal Regulations Part 807.65(c), Exemptions for device establishments (copy enclosed).

General purpose articles and the firms that manufacture or distribute them are exempt from the requirements of registration and listing. Firms subject to registration are required to submit a premarket notification [510(k)]. Since your firm would not be required to register for this general purpose article, we find that you are not required to submit a 510(k) for this device. Therefore, you may distribute this device, as described, in the United States.

Please be advised that our response to your 513(g) request for information does not mean that the Food and Drug Administration (FDA) has made a determination that your device complies with the other device requirements of the Act or any other Federal statute or regulation administered by other Federal agencies. You must comply with all applicable requirements of the Act, including, but not limited to: labeling (21 CFR Part 801); and good manufacturing practice requirements as set forth in the quality systems (QS) regulation (21 CFR Part 820).

Please note if you revise your labeling to include indications that go beyond what would be considered general purpose use indications, you would be required to submit a 510(k) for those new indications.

Section 513(g) of the Act requires the agency to provide information about the regulatory requirements applicable to a particular type of device. The response represents my best judgment about how the product would be regulated, based upon our review of the information you have provided, including your description of the product and its intended use. My response to a 513(g) request is not a classification decision for a device and does not constitute FDA clearance or approval for commercial distribution.

If you have any further questions regarding this letter, please contact Mr. Elias Mallis, Chief, Cardiac Electrophysiology and Monitoring Branch, at (240) 276-4095 or for general questions please contact the Division of Small Manufacturers International and Consumer Assistance at its toll free number (800) 638-2041 or (240) 276-3150 or at its Internet address <http://www.fda.gov/cdrh/industry/support/index.html>.

Sincerely yours,

A handwritten signature in black ink that reads "Miriam C. Provost". The signature is written in a cursive, flowing style.

Miriam C. Provost, Ph. D.
Deputy Director for Engineering
and Science Review
Office of Device Evaluation
Center for Devices and
Radiological Health

Enclosure

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PALMETTOCITIZENS
FEDERAL CREDIT UNION
P.O. Box 5846
Columbia, SC 29250-5846
(803) 732-5000



PALMETTOCITIZENS
FEDERAL CREDIT UNION
COLUMBIA, SC 29250-5846
67-7861/2539

NO. 367618

CASHIER'S CHECK

TO THE
ORDER

OF PAY

UNITED STATES PATENT AND TRADEMARK OFFICE *****
ONE THOUSAND THREE HUNDRED AND FIVE DOLLARS ONLY

Ref: 6289896 MAINTENANCE FEE

DATE 27 OCT 09

\$1,205.00

GLENNAH D HART
P O BOX 4565
COLUMBIA SC 29240

Nicholas Wologay

THIS CHECK VOID AFTER 90 DAYS

A suggested format for a Certificate of Mailing and a Certificate of Transmission under 37 CFR 1.8 to be included with the correspondence is reproduced below.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

on 8-13-10.

(Date)

Typed or printed name of person signing this certificate

GLENNAN A HART

Signature Glennan A Hart PATENT # 6,289,896

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (*>____<)____-____)

on _____.

(Date)

Typed or printed name of person signing this certificate

Signature _____

0071972010 LDIEP1 00000002 6289896

**>

01 FC:1599

875.00 0P

¶ 5.02 Format of Certificate of Mailing or Transmission

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of